

FILED

UNITED STATES DISTRICT COURT

JAN - 4 2024

for the

Western District of Texas

san antonio Division

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

SA 24CA0008 OG

1 Humanity for Wisdom Community Center Health and
Human Services
2 Henry B Berrocal

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

-v-

SAMSUNG Electronics Co

Defendant(s)

(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	humanity for wisdom/henry b berrocal
Street Address	8402 timber belt
City and County	san antonio, bexar county
State and Zip Code	Texas 78250
Telephone Number	347 815 2334
E-mail Address	henryberrocal111@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name samsung electronics
Job or Title *(if known)* Register Surmon agent
Street Address 1999 Bryan street Suite 900
City and County Dallas Texas 75201
State and Zip Code
Telephone Number 855 4822108
E-mail Address *(if known)*

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Federal trade commission violation and Magnuson-moss Act violation

Sections 2-314 & 2-315. Section 2-313.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:
see attachment

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.
see attachment

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

see attachment

injunction see attachment

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/01/2024

Signature of Plaintiff

Printed Name of Plaintiff

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Plaintiff(s)

henry B Berrocal

humanity for wisdom community center health and human services

Defendant(s)

Samsung Electronics CO

Violations

Federal section

Federal Trade Commission violation

Magnuson-moss Act violation

Sections 2-314 & 2-315. Section 2-313.

FTC and Magnuson-moss Act violation has four years to enforce an implied warranty claim (the refrigerator only worked for 2 years)
violation of the Magnuson-moss Act

Page 1

In May 2023, Henry B. Berrocal made a claim to Samsung regarding the non-working Samsung refrigerator. The refrigerator has a 5-year warranty for seals and a 10-year warranty for the compressor unit (an advertisement exposed online for bespoke refrigerators on [samsung.com](https://www.samsung.com)). In the last three months, Samsung technicians have tried to fix the compressor unit or exchange parts in the refrigerator to make it work 100% again. Unfortunately, Samsung tried 3 times in the last 3 months to fix it, and the refrigerator is still not working. Samsung has claimed to provide a refund or exchange until I provide a sticker on the refrigerator. The refrigerator had a sticker on the left side with a barcode and all refrigerator serial numbers (copies will be provided of warranty and sticker information). The technician fixed the refrigerator and provided 0 charges for the claim in the 10-year compressor warranty.

However, I have had the refrigerator unit for over 2 years, and this would violate the implied warranties, which consist of the unit sales must properly work for at least 48 months.

To not provide the implied warranty, Samsung, in bad faith, requested to remove a sticker. The sticker had all the serial numbers provided by Samsung with the refrigerator serial number, compressor serial number, and many other details to process the refund or exchange of the refrigerator. In bad faith, Samsung has denied this, and they are not willing to refund or exchange the refrigerator without the sticker next to the water fountain next to the main entry door. I explained to Samsung that if the sticker is so important, why do they not have it inside the unit or with a laser?

The sticker probably fell by itself over time; it probably got wet due to cleaning the refrigerator. Maybe the Samsung technicians removed the sticker, or the unit never came with one.

It seems Samsung is trying its best not to approve the compressor warranty on the refrigerator, which is a total lost unit. Samsung told me that I was responsible for disposing of the non-working unit.

Deceptive Warranty Terms Samsung says they cannot comply with the refrigerator warranty because a missing sticker constitutes bad faith in deceptive warranty terms.

Section 2-313

Express Warranties Samsung advertises a 10-year warranty compressor. However, when the compressor fails, they are not willing to refund or exchange the item, which can violate the Magnuson-Moss Act and FTC ACT.

Page 2

REQUIREMENT III: THE PRE-SALE AVAILABILITY RULE {16 C.F.R. PART 702}.

The Magnuson-Moss Warranty Act does not cover the advertising of warranties. However, warranty advertising falls within the scope of the FTC Act, which generally prohibits "unfair or deceptive acts or practices in or affecting commerce." Therefore, it violates the FTC Act to advertise a warranty deceptively.

Relief

Humanity for Wisdom and Henry B. Berrocal demand compensatory damage each.

breach of warranty \$100,000

fraud \$150,000

false advertisement \$500,000

violation of the Magnuson-moss Act \$250,000

violation of the FTC Act \$250,000

extra

I demand Samsung to refund the \$2500 I paid for the refrigerator.

I want \$1000 in fees to dispose of the non-working unit fee.

I want a refund of \$1500 in spoiled groceries for the last 3 months I didn't have a refrigerator, \$500 each month.

I demanded an extra \$2500 because I was forced to spend the same amount purchasing a new refrigerator when Samsung denied refunding or exchanging the unit.

I demand \$2000 for the time spent calling, traveling regarding the Samsung unit, going to the physical store, and all the hassles related to the refrigerator issue.

total \$10,000 in the extra refund

It's been over 5 months after the incident, and. Samsung Electronics denies fixing anything.

1,260,000 - 1 million and two hundred and sixty thousand dollars compensatory damage to Humanity for wisdom

and 1,260,000 - 1 million and two hundred and sixty thousand dollars compensatory damage

total 2,520,000 two million and five hundred and twenty thousand dollars

And punitive damage of 2,500,000 for disregard, abusive power, and fraudulent acts from Samsung.

Total 5 million and 20 thousand dollars to be paid.

injunction

1 I request the court to investigate Samsung Electronics regarding faulty refrigerators and the bad faith of the corporation not refunding the money to its customers, abusing its power. The USA has to force Samsung to refund the faulty Items Samsung sells to the public in the USA.

2 Secure a minimum fine Samsung of 100.000 one hundred million dollars to pay any USA citizen that had their refrigerator broken, and Samsung did not provide a refund in bad faith.





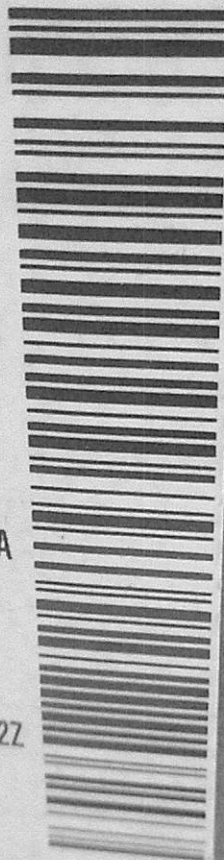
MODEL:
RF29BB8200QL

POWER:
115V/ 60Hz

COMPRESSOR:
NF54M7151ANE01

MODEL CODE:
RF29BB8200QLAA

SERIAL NO:
1H7U43ARC00422Z



MODEL:
F29BB8200QL

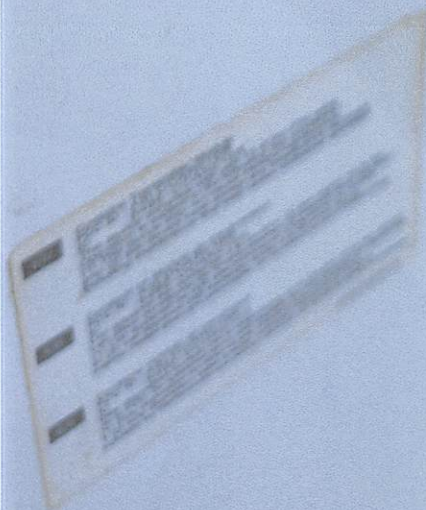
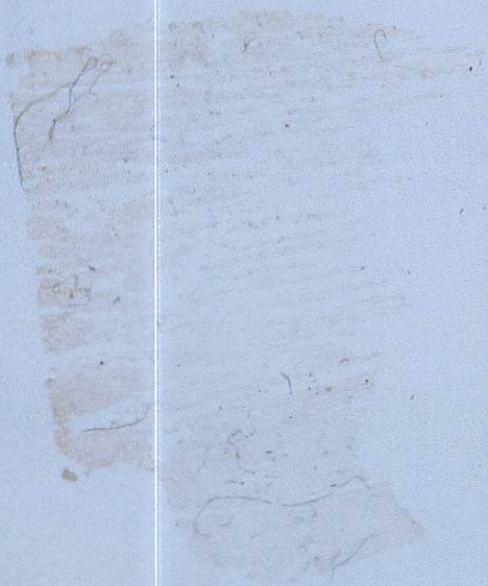
POWER:
115V/ 60Hz


COMPRESSOR:
NF54M7151ANE01

MODEL CODE:
RF29BB8200QLAA

SERIAL NO:
1H7U43ARC00422Z





Save up to an extra 15% when you enroll and verify in Samsung Offer Programs 

Black Friday Deal

Bespoke 4-Door French Door Refrigerator (29 cu. ft.) with Beverage Center™ in White Glass

\$95.79/mo ~~\$141.63/mo~~ for **24 mos**
Total **\$2,299.00** ~~\$3,399.00~~[†]

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Get an extra \$150 off 2, \$375 off 3 or \$650 off 4 or more select appliances. Buy more, save more.

Best in-class warranty coverage^o



5-Year Sealed System Warranty

Get five years of parts and labor warranty coverage for sealed systems.⁵



10-Year Compressor Warranty

Get 10 Years of parts and 5 years of labor warranty coverage on digital inverter compressor.

Act fast! Chat with our Concierge Agent on **Unbeatable Early Black Friday** offers!



+1(864) 618-2283



Hello Henry, this is Peterson from Samsung's Exchanges Team.

We would like to inform you that we successfully received the documents you provided to us. However the required sticker is the one saying the following:
(PLEASE DO NOT REMOVE THIS LABEL)

We do appologize for any inconvenience.

Thank you so much for being part of the Samsung Family! Have a good rest of your day.

I check all around the refrigerator, and all stickers have been removed.

It is the white sticker you find when you open the door of the fridge.

Remove it place it on your hand or any other surface, not the fridge. Take a picture of it and send the photo to us.



Type a message





+1(864) 618-2283



The third image is inside the fridge and its not other stickers to be removed

Mon, Oct 23, 4:58 pm

My refund its done?



GIF

Type a message





+1(864) 618-2283



Sat, Oct 28, 8:13 pm

If you guys can't refund me I need
a Replacemwbt of my refrigerator
or I will samsung for
4 months without refrigerator
No working refrigerator
No fixing a warranty of
compresor for 10 years warranty
And around \$1000 in spoil food

Yonguus have 7 days to refund
me or Replace the refrigerator
plus refund me the spoil food
I will look into suing samsung
in district court and requested
punitive damages as well for the
bad faith.

Wed, Nov 1, 12:13 pm

Hello this is Samsung this
notification is about needing
the sticker label that says DO
NOT REMOVE THIS LABEL,
once you provide that to
Samsung we will be more than
happy to move forward with a
possible accommodation, for
further assistance please call
1800SAMSUNG



Type a message



SAMSUNG**REPAIR INVOICE****NISI USA****Customer Information**

Ticket #	4172245454	Customer Name	Henry Berol	Posting Date	08/03/2023 (13 days)
Cell Phone	347-815-2334	Other Phones	3478152334 3478152334		
Address	8402 Timber Belt San Antonio TX 78250			Email	henryberolco111@gmail.com

Model Information

Model #	RF29BB8200QLAA	Serial #	1H7U43ARC00422Z	Production Date	12/01/2021
Service Type	IH	Purchase Date		RB Check	
Wty Status	Concession LP Labor (2023-02-28) Parts (2023-02-28) Warranty Extension granted by Call Center.			<input type="checkbox"/> DISPLAY UNIT	
Status	Ready for Service	Schedule Date	08/17/2023 AM	Technician	Robert Valles
Symptom	Cooling/Temperature/condensation issue / No cooling / All room			HASS	

Service Description: (Flat Service Fee Applied) ☐ In Warranty ☐ Out of Warranty ☐ Ext. Warranty (Capacitors, DLP)

*Samsung going to
call center. Percecd with
Repair when bridge is
clear.*

Trip and Diagnose \$ _____ Labor \$ _____ Part Price \$ _____ Tax \$ _____ Total \$ _____

Payment Method ☐ C/C Autho # _____ ☐ Check # _____ ☐ Cash _____

By signing this, I agree to the following conditions.

I understand that my total service fee is due at the date of the service and agree on the total service fee. The balance includes the total service fee and the returned check fee if the check is returned. The returned check fee is \$25.00 per item. The final payment must be in the form of cash, cashier's check or credit card or debit card. In the case of paying by card, I authorize NISI to charge the credit card for the reference amount and agree not to raise any dispute. Samsung and Service Center Warranty is for 90days ONLY on the same problem caused by same part. I understand and agree that NISI has a full right to keep the trip and diagnose fee(\$108.25) when it's out of warranty ticket and the technician went out to diagnose the product.(NO EXCEPTIONS, NON-REFUNDABLE)

Technician's Signature _____

Date

NISI USA Factory Service Center, 1345 Valwood Pkwy STE 311 Carrollton TX 75006
TV Department 972-488-0001 Home Appliance Department 972-488-0001 Or Call 1-800-Samsung

Customer Information

Ticket #	4172500435	Customer Name	Henry Berol	Posting Date	08/19/2023 (10 days)
Cell Phone	347-815-2334	Other Phones	3478152334 3478152334		
Address	8402 Timber Belt San Antonio TX 78250	Email	henryberolco111@gmail.com		

Model Information

Model #	RF29BB8200QLAA	Serial #	1H7U43ARC00422Z	Production Date	12/01/2021
Service Type	IH	Purchase Date		RB Check	
Wty Status	Out-of-warranty Labor (2023-02-28) Parts (2023-02-28)	Records indicate this unit is Out of Warranty.		<input type="checkbox"/> DISPLAY UNIT	
Status	Ready for Service	Schedule Date	08/30/2023 AM	Technician	Robert Valles
Symptom	Cooling/Temperature/condensation issue / No cooling / All room	HASS			

Service Description: (Flat Service Fee Applied) ☐ In Warranty ☐ Out of Warranty ☐ Ext. Warranty (Capacitors, DLP)

Install compressor, filter dryer

Trip and Diagnose \$ _____ Labor \$ _____ Part Price \$ _____ Tax \$ _____ Total \$ _____

Payment Method ☐ C/C Autho # _____ ☐ Check # _____ ☐ Cash _____

By signing this, I agree to the following conditions.

I understand that my total service fee is due at the date of the service and agree on the total service fee. The balance includes the total service fee and the returned check fee if the check is returned. The returned check fee is \$25.00 per item. The final payment must be in the form of cash, cashier's check or credit card or debit card. In the case of paying by card, I authorize NISI to charge the credit card for the reference amount and agree not to raise any dispute. Samsung and Service Center Warranty is for 90 days ONLY on the same problem caused by same part. I understand and agree that NISI has a full right to keep the trip and diagnose fee (\$108.25) when it's out of warranty ticket and the technician went out to diagnose the product. (NO EXCEPTIONS, NON-REFUNDABLE)

Technician's Signature _____

Date

30 AUG 23

NISI USA Factory Service Center, 1345 Valwood Pkwy STE 311 Carrollton TX 75006
TV Department 972-488-0001 Home Appliance Department 972-488-0001 Or Call 1-800-Samsung

EVAP COVER ASSY.

SAMSUNG**REPAIR INVOICE****Customer Information**

Ticket #	4173151969	Customer Name	Henry Berrocal	Posting Date	10/03/2023 (8 days)
Cell Phone	347-815-2334	Other Phones	3478152334 3478152334		
Address	8402 timber belt 78250 San Antonio TX 78250			Email	henryberrocal111@gmail.com

Model Information

Model #	RF29BB8200QLAA	Serial #	1H7U43ARC00422Z	Production Date	12/01/2021
Service Type	IH	Purchase Date		RB Check	SVC
Wty Status	Out-of-warranty Labor (2023-02-28) Parts (2023-02-28)	Records indicate this unit is Out of Warranty.			<input type="checkbox"/> DISPLAY UNIT
Status	Ready for Service	Schedule Date	10/12/2023 AM	Technician	Lizan Morales
Symptom	Cooling/Temperature/condensation issue / No cooling / All room			HASS	

 Service Description: (Flat Service Fee Applied) ☐ In Warranty ☐ Out of Warranty ☐ Ext. Warranty (Capacitors, DLP)

Ref # 700 5965 6415

Trip and Diagnose \$ _____ Labor \$ _____ Part Price \$ _____ Tax \$ _____ Total \$ _____

 Payment Method ☐ C/C Autho # _____ ☐ Check # _____ ☐ Cash _____

By signing this, I agree to the following conditions.

I understand that my total service fee is due at the date of the service and agree on the total service fee. The balance includes the total service fee and the returned check fee if the check is returned. The returned check fee is \$25.00 per item. The final payment must be in the form of cash, cashier's check or credit card or debit card. In the case of paying by card, I authorize NISI to charge the credit card for the reference amount and agree not to raise any dispute. Samsung and Service Center Warranty is for 90days ONLY on the same problem caused by same part. I understand and agree that NISI has a full right to keep the trip and diagnose fee (\$108.25) when it's out of warranty ticket and the technician went out to diagnose the product. (NO EXCEPTIONS, NON-REFUNDABLE)

Technician's Signature _____

 Date *10/12/23*

 NISI USA Factory Service Center, 1345 Valwood Pkwy STE 311 Carrollton TX 75006
 TV Department 972-488-0001 Home Appliance Department 972-488-0001 Or Call 1-800-Samsung

Customer Information

Ticket #	4172782227	Customer Name	Henry Berrocal	Posting Date	09/07/2023 (12 days)
Cell Phone	347-815-2334	Other Phones	3478152334 3478152334		
Address	8402 Timber Belt San Antonio TX 78250	Email	henryberrocal111@gmail.com		

Model Information

Model #	RF29B88200QLAA	Serial #	1H7U43ARC00422Z	Production Date	12/01/2021
Service Type	IH	Purchase Date		RB Check	SVC
Wty Status	Concession LP Labor (2023-02-28) Parts (2023-02-28)	Warranty Extension granted by Call Center.		<input type="checkbox"/> DISPLAY UNIT	
Status	Ready for Service	Schedule Date	09/20/2023 AM	Technician	Shawn Coffelt
Symptom	Cooling/Temperature/condensation issue / No cooling / All room	HASS			

Service Description: (Flat Service Fee Applied) ☐ In Warranty ☐ Out of Warranty ☐ Ext. Warranty (Capacitors, DLP)

Replaced EVAP COVER

Trip and Diagnose \$ Labor \$ Part Price \$ Tax \$ Total \$

Payment Method ☐ C/C Autho # ☐ Check # ☐ Cash

By signing this, I agree to the following conditions.

I understand that my total service fee is due at the date of the service and agree on the total service fee. The balance includes the total service fee and the returned check fee if the check is returned. The returned check fee is \$25.00 per item. The final payment must be in the form of cash, cashier's check or credit card or debit card. In the case of paying by card, I authorize NISI to charge the credit card for the reference amount and agree not to raise any dispute. Samsung and Service Center Warranty is for 90days ONLY on the same problem caused by same part. I understand and agree that NISI has a full right to keep the trip and diagnose fee (\$108.25) when it's out of warranty ticket and the technician went out to diagnose the product. (NO EXCEPTIONS, NON-REFUNDABLE)

Technician's Signature

Date

NISI USA Factory Service Center, 1345 Valwood Pkwy STE 311 Carrollton TX 75006
TV Department 972-488-0001 Home Appliance Department 972-488-0001 Or Call 1-800-Samsung